

JUL 05 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

JOHN F. CORCORAN, CLERK
BY: *J. Staples*
DEPUTY CLERK

EDWARD B. BOYD,)	Civil Action No. 1:06cv00095
Administrator of the Estate of)	
RUSSELL DAVID BOYD,)	
Plaintiff,)	<u>ORDER</u>
)	
v.)	
)	
DOUGLAS W. GREEN, M.D., and)	BY: THE HONORABLE GLEN M. WILLIAMS
DRS. GREEN, P.C.,)	SENIOR UNITED STATES DISTRICT JUDGE
Defendants.)	

Plaintiff, Edward B. Boyd, brought this action against defendants, Dr. Douglas W. Green, M.D., and Drs. Green, P.C., ("the Practice"), as the administrator of the estate of Russell David Boyd for the wrongful death of Russell Boyd. This case currently is before the court on the defendants's motions to dismiss this case pursuant to Federal Rule of Civil Procedure 12(b)(2), for lack of personal jurisdiction, ("Motions"), (Docket Item Nos. 3 and 21.) The case was referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 8, 2007, the Magistrate Judge submitted a report and recommended disposition of this case recommending that the Motions be granted with respect to Dr. Green and denied with respect to the Practice, (Docket Item No. 43). The defendants timely filed objections to this report on June 15, 2007, (Docket Item No. 44), and the plaintiff timely filed objections to this report on June 18, 2007, (Docket Item No. 45). This court has reviewed the record and the objections made to this report and recommendation and is of the opinion that these objections are

without merit. As a result, this court **ACCEPTS** the report and recommendation in every particular.

Thus, for the reasons detailed in the Magistrate Judge's report and recommendation, the defendants's Motions are **GRANTED** with respect to defendant Dr. Green and **DENIED** with respect to the Practice.

In addition, the motion to transfer venue made by the plaintiff is **GRANTED**. The court is of the opinion that this entire case should be transferred to the Eastern District of Tennessee and it is so **ORDERED**.

The Clerk is directed to enter this Order and to send copies of this Order to all counsel of record. The Clerk is directed further that this case is to be closed and stricken from the docket.

ENTER: This 3rd day of July, 2007.

Glen M. Williams

THE HONORABLE GLEN M. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE